



TITLE	POLICY NUMBER	
Child Welfare Agency – Grievance Policy	DCS 15-53	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of License and Regulation	12/20/2022	3

## **I. POLICY STATEMENT**

This policy ensures that a child, or the parent or guardian of a child, placed in a facility operated by a Child Welfare Agency, has an opportunity to express, in a developmentally appropriate manner, a grievance regarding their placement and to promote resolution.

## **II. APPLICABILITY**

This policy applies to all children placed in a facility operated by a Child Welfare Agency, their parent or guardian, the Child Welfare Agency, and Office of License and Regulation (OLR) Specialists.

## **III. AUTHORITY**

<a href="#">A.A.C. Title 21, Ch. 7</a>	Department of Child Safety-Child Welfare Agency Licensing
<a href="#">A.R.S. § 8-503</a>	Powers and duties
<a href="#">A.R.S. § 8-505</a>	Issuance of licenses; application; investigation; renewal
<a href="#">A.R.S. § 8-529</a>	Children in foster care and kinship foster care; rights
<a href="#">DCS 09-01</a>	Office of the Ombudsman

#### IV. DEFINITIONS

Child welfare agency: Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24- hour social, emotional, or educational supervised care or have been adjudicated as a delinquent or dependent child.

Complaint: A written or verbal expression of dissatisfaction about services, actions, lack of actions or manner of treatment by the Child Welfare Agency.

DCS Office of the Ombudsman: Assists parents and guardians who are involved with DCS, their families and other interested parties when they are dissatisfied with services, actions or lack of actions, or their treatment by DCS staff.

Department or DCS: The Arizona Department of Child Safety

Developmentally appropriate:

- a. The activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
- b. In the case of a specific child in care, activities or items that are suitable for the child based on the developmental stages attained by the child, with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

Direct Service or Direct Care: An in-person interaction between staff and a child in care which is or could result in unsupervised access to the child or other children in care.

Director: The Director of the Arizona Department of Child Safety.

Facility: a living environment operated by a Child Welfare Agency, where a child in care is in the care of an adult unrelated to the child.

- a. "Facility" includes a shelter care facility for a group of children that is intended to be short-term in nature, and a residential group care facility for a group of children who are intended to be placed for longer periods of time.

- b. “Facility” when referring to a Child Placing Agency facility means any physical setting in which the Child Placing Agency conducts business, including areas where a child in care may be present for less than 24 hours during transport to a foster home or other placement.
- c. “Facility” does not include a program licensed as a behavioral health service agency by Arizona Department of Health Services under [A.R.S. § 36-418](#).

Grievance: An official statement of a complaint over something believed to be wrong or unfair. The following complaints are excluded:

- a. An appeal of a substantiated allegation of abuse or neglect.
- b. A denial of an allegation of abuse or neglect in a dependency petition.
- c. Removal of a youth from a parent of guardian’s home.
- d. Court ordered outcomes.
- e. Any complaint previously grieved when there are no new circumstances.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

## **V. POLICY**

- A. The Child Welfare Agency shall ensure that at each child’s intake/orientation, the Child Welfare Agency’s grievance procedure is explained to the child, and if applicable their parent or guardian, in a developmentally appropriate manner. The grievance procedure shall:
  - 1. be written in a manner that is developmentally appropriate for children in care;
  - 2. prohibit retaliation against an individual who brings a grievance for the act of bringing the grievance;

3. describe a process for fair and expeditious resolution of a grievance; and
  4. provide a means to tell the grievant about the action taken in response to the grievance.
- B. Documentation that the grievance procedure was explained to the child shall be maintained in the child's file.
- C. The [Youth Congregate Care Grievance Form CSO-3343](#) shall always be available for discreet access and submission to the Child Welfare Agency. Any access alternatives other than the paper format shall need approval by OLR.
- D. Any submitted grievance forms shall be reviewed by at least two Child Welfare Agency staff that do not provide direct care to the child, and a written response shall be provided to the grievant within ten (10) business days of the submission of the grievance.
- E. A parent or guardian of a child placed in a Child Welfare Agency contracted with the Department may file a [grievance](#) with the DCS Office of the Ombudsman, in accordance with [DCS 09-01 Office of the Ombudsman](#) or call the Ombudsman's Office at [602-364-0777](#) or [1-877-527-0765](#).
- F. A parent or guardian of a child placed in a Child Welfare Agency not contracted with the Department may complete the Youth Congregate Care Grievance Form, CSO-3343, or one provided by the Child Welfare Agency, and submit to the Child Welfare Agency.
1. Any submitted grievance forms shall be reviewed by at least two Child Welfare Agency staff that do not provide direct care to the child, and a written response shall be provided to the grievant within ten (10) business days of the submission of the grievance.
  2. Child Welfare Agencies shall refer to their individual grievance policy and any and all of their individual contracts to meet grievance requirements in addition to the ones listed in [R21-7](#) and this policy.
- G. On the second Friday of each month, The Child Welfare Agency shall provide OLR a copy of all of the previous month's grievances and the steps taken towards resolution.

## VI. PROCEDURES

- A. Grievance procedures are presented, in a manner developmentally appropriate to each individual child, and signed by child at the orientation/intake.
  - 1. The Child Welfare Agency may use an agency specific form that the child signs to indicate that the grievance policy was explained.
  - 2. If not developmentally appropriate for the child to sign a form that states that the grievance policy was explained, the staff member, who explained the policy in a developmentally appropriate manner, may sign and date the form with an explanation of why the child did not sign.
  - 3. The Child Welfare Agency specific grievance policy review form shall be maintained in the child's file with copies provided to the child and DCS upon request.
- B. The Youth Congregate Care Grievance Form CSO-3343 provided to the Child Welfare Agency by the Department will be available in a discrete location.
  - 1. The grievant shall complete the Youth Congregate Care Grievance Form CSO-3343. If a child requests assistance to complete the form, the assisting staff must maintain the child's confidentiality.
  - 2. Upon completion of the form, the parent or guardian grievant should submit the form as outlined in the Child Welfare Agency's policy.
- C. The Child Welfare Agency shall provide OLR a copy of all previous month's grievances on the 2<sup>nd</sup> Friday of each month.
  - 1. The grievances shall be emailed to [CWLgrievances@azdcs.gov](mailto:CWLgrievances@azdcs.gov). The subject line shall use the following naming convention: Agency Month Year (example: OLR October 2022).
  - 2. All of the monthly grievance forms shall be compiled and attached to the submission as individual pdf attachments.
  - 3. If no grievances are filed in the previous month, the Child Welfare Agency shall send an email to [CWLgrievances@azdcs.gov](mailto:CWLgrievances@azdcs.gov). The subject

line shall use the following naming convention: Agency Month Year- No Grievances (ex. OLR October 20XX-No Grievances)

- D. OLR shall review all grievances and may request clarification and make additional recommendations.

## **VII. FORMS INDEX**

[CSO-1016A Formal Client Grievance Level 1 \(Complaint/Disagreement\)](#)

[CSO-1141A Notice of Rights for a Child in Out of Home Care](#)

[CSO-3343 Youth Congregate Care Grievance Form](#)

[CSO-3343S Formulario de Quejas de Jovenes en Congregarse Cuidado \(Youth Congregate Care Grievance Form-Spanish\)](#)